

REMARKS

Claims 1 and 8 have been amended.

Specification

On page 10, lines 12-16, applicant's specification provides that:

The lips that define the open end of pouch 11 can be shallow of lips 30 and 31 if desired.

By shallow, the Applicant is referring to the lips of pouch 11 being positioned inwardly of lips 30 and 31. In other words, they do not reach the same depth, and are therefore shallow of them.

In view of the foregoing, it is believed that the examiner's objection should be withdrawn.

35 U.S.C. § 102(b)

Claims 1-4, 8-10 and 14-17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Attaway. Examiner asserts that FIG. 2 of Campbell illustrates all claimed features.

It is maintained that claims 1, 8 and 14 claim a pouch that bounds an insulated and substantially water impermeable food warming chamber. Attaway does not teach a water impermeable chamber, and does not teach one to be

associated with food. Functional recitations should be provided weight as they define the structure. The functional language directed to food and warming of food do provide limits to the structure. Additionally, claims 1 and 8 have been amended to include the structure which provides for the water impermeability, namely the plastic sheet. This is not taught in the reference.

Claim 14 was not amended, as it claims the water impermeability of the pouch and the warming nature, not present in the reference.

Claims 2-7, 9-13, and 15-20 depend from claims 1, 8, and 14, and are therefore, believed to be allowable for the same reasons.

In view of the foregoing, it is respectfully requested that all section 102(b) rejections in connection with Attaway be withdrawn.

35 U.S.C. § 103

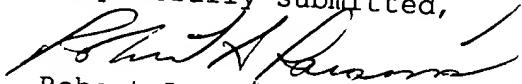
Claims 5-7, 11-13, and 18-20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Attaway in view of Anderson et al. Withdrawal of the rejection is requested in view of the previously stated reasons. Specifically, Anderson does not teach a water impermeable layer combinable with Attaway. Furthermore, there is no incentive to provide either with a water impermeable layer, as they do not require a partial vapor lock for their intended use.

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In view of the foregoing going, applicant believes that all of the claims presently pending in this case are in condition for allowance, which action is earnestly solicited.

Examiner's thorough and thoughtful consideration of this application is sincerely appreciated. Should there be any remaining issues, Examiner is cordially invited to telephone the undersigned for a speedy resolution.

Respectfully submitted,


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